

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 12-233 (DWF/TNL)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Christopher Sean Daniels,

Defendant.

This matter is before the Court upon Defendant Christopher Sean Daniels's ("Defendant") objections (Doc. No. 34) to Magistrate Judge Tony N. Leung's November 27, 2012 Report and Recommendation (Doc. No. 32) insofar as it recommends that Defendant's Motion to Suppress Statements be denied. The United States filed a response to Defendant's objections on January 14, 2012. (Doc. No. 38.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

Having carefully reviewed the record, the Court concludes that Defendant's objections offer no basis for departure from the Report and Recommendation. In particular, Defendant argues that: (1) Defendant's statements were involuntary; and

(2) Defendant's waiver of his *Miranda* rights was invalid. The Court concludes, as did Magistrate Judge Leung, that Defendant was adequately advised of his *Miranda* rights and made voluntary statements to the officers after acknowledging those rights.

Defendant thus validly waived his *Miranda* rights. To the extent Defendant cites the interrogating officers' failure to "inquire into [Defendant's] state of mind" as a basis for rendering the waiver invalid, not only has Defendant advanced no authority requiring such an inquiry, but there is also no evidence in the record (including the audio recording) to suggest that Defendant's mental capacity was in any way diminished at the time of the interview. Moreover, there is no evidence that Defendant's statements were the product of coercion or were otherwise not voluntarily made. Consequently, Defendant has failed to demonstrate that suppression of his statements is warranted. Defendant's motion to suppress is thus properly denied.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Christopher Sean Daniels's objections (Doc. No. [34]) to Magistrate Judge Tony N. Leung's November 27, 2012 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Tony N. Leung's November 27, 2012 Report and Recommendation (Doc. No. [32]) is **ADOPTED**.

3. Defendant Christopher Sean Daniels' Motion to Suppress Statements (Doc. No. [21]) is **DENIED**.

Dated: January 23, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge